

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 03-20171-CIV-SH
MAGISTRATE JUDGE TURNOFF

DAISY HENRIQUEZ,

Plaintiff,

v.

ST. THOMAS UNIVERSITY, INC.,

Defendant.

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D.C.

OMNIBUS ORDER

This Cause comes before the Court as a result of several pending discovery motions in this matter, referred to the undersigned for resolution on June 6, 2003. The Court having reviewed the record, and being otherwise fully advised in the premises, it is hereby

ORDERED AND ADJUDGED as follows:

A. Defendant's Motion for Protective Order as to Deposition of Dean Silver (D.E. 30) and Plaintiff's Cross Motion to Compel Attendance at Deposition and for Sanctions (D.E. 31)

Defendant's Motion for Protective Order as to the Deposition of Dean Silver (D.E. 30), and Plaintiff's [Cross] Motion to Compel Attendance at Deposition (D.E. 31), are both GRANTED in part and DENIED in part. Defendant shall present Dean Silver for deposition on or before July 11, 2003. The parties' Motions are otherwise DENIED.

B. Plaintiff's Motion to Compel Attendance at Deposition and Motion for Sanctions (D.E. 32)

Plaintiff's Motion to Compel Attendance at Deposition and Motion for Sanctions (D.E. 32), is GRANTED in part and DENIED in part. Consistent with the directives contained in the Court's

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Order on Defendant's Emergency Motion for Protective Order as to Deposition of Mariela Torres, Defendant shall produce Ms. Torres for deposition on or before July 3, 2003. Moreover, in light of Defense counsel's representation that he suffered from a "severe and acute injury" on the day of the scheduled deposition,¹ Plaintiff's Motion (including the request for sanctions) is otherwise DENIED.

C. Defendant's Motion to Exclude Plaintiff's Use of Videotape Recordings (D.E. 36-1) and Motion for Protective Order (D.E. 36-2)

Defendant's Motion to Exclude Plaintiff's Use of Videotape Recordings (D.E. 36-1), and Motion for Protective Order (D.E. 36-2), are GRANTED in part and DENIED in part. Complete copies of all deposition recordings already produced shall be provided to Defendant within ten (10) days from the date of this Order, at Plaintiff's expense. Within thirty (30) days from the close of discovery, Plaintiff shall identify whether it intends to introduce any portions of those video taped depositions at trial, so as to afford Defendant sufficient opportunity to object to same. In the event either party wishes to video tape any future depositions in this case, the Court requires such party to hire an independent operator of the video camera. Defendant's Motions are otherwise DENIED.

D. Defendant's Motion to Compel Better Answers to Interrogatories (D.E. 37)

Defendant's Motion to Compel Better Answers to Interrogatories (D.E. 37), is DENIED. Local Rule 26.1(H)(1) requires that all motions related to discovery be filed within thirty (30) days of the occurrence of the grounds for the motion. S.D. Fla. L.R. 26.1(H) (2003). The record reflects that Plaintiff's Answers to Interrogatories and Supplement thereto were served via U.S. Mail on

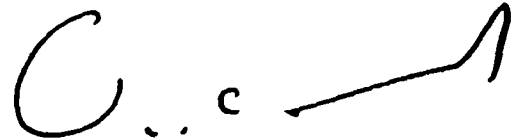
¹ Although Defense counsel did not submit documentation attesting to this injury to the Court, counsel has likewise expressed a desire to maintain confidentiality with respect to the same.

March 31, 2003 and April 14, 2003, respectively. However, Defendant did not file the present Motion to Compel until May 30, 2003. Accordingly, Defendant's Motion to Compel is DENIED. Plaintiff however, is reminded of its continuing obligation to supplement its discovery responses in accordance with the Federal Rules of Civil Procedure.

IT IS ALSO FURTHER ORDERED AND ADJUDGED that

Each party shall bear its own fees and costs incurred in connection with the foregoing motions.

DONE AND ORDERED in Chambers, at Miami, Florida, this 27 day of June, 2003.

A handwritten signature in black ink, appearing to read 'C. C. Turnoff', with a long horizontal stroke extending to the right.

WILLIAM C. TURNOFF
United States Magistrate Judge

c: Hon. Shelby Highsmith
Counsel of record